

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN
MADISON DIVISION**

IN RE:

CASE NO. 19-13866

Bradley D. Dillman

CHAPTER 13

Debtor.

Chief Judge Catherine J. Furay

**MOTION OF WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF THE
RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-C FOR RELIEF FROM THE
AUTOMATIC STAY AND CO-DEBTOR STAY REGARDING PROPERTY LOCATED
AT 5309 PORTSMOUTH WAY, MADISON, WI 53714**

Wilmington Savings Fund Society FSB, as Trustee of the Residential Credit Opportunities Trust V-C, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter, collectively and at all times material hereto called, the “Movant”) through its attorneys, Sottile & Barile, LLC, hereby moves the Court for an order for relief from the automatic stay and co-debtor stay pursuant to 11 U.S.C. §362, 1301 and alleges as follows:

1. The Movant holds a promissory note and mortgage encumbering real property owned by the Debtor and co-debtor and located at 5309 Portsmouth Way, Madison, WI 53714. A copy of the note, mortgage and any other pertinent loan documents attesting to this is attached hereto and incorporated herein by reference.
2. Since the commencement of this case, the 2019 property taxes had not been paid by the debtor. The default is in the amount of \$7,806.90.
3. The default in tax payments constitutes “cause” for terminating the automatic stay.

4. That as of December 23, 2020, the total amount due to the Movant was approximately \$287,562.31 in addition to any fees and costs for the filing of this motion.
5. That there is little to no equity in the property over and above the liens of the secured creditors, the exemptions claimed by the debtor, unpaid real estate taxes and other liens of record. The Debtor's Schedule A value is \$285,100.00. The lack of equity in the Property, which is unnecessary for an effective reorganization, entitles the Movant to relief from the automatic stay under 11 U.S.C. §362(d)(2).
6. Movant seeks relief from both the automatic stay and the co-debtor stay as there is a non-filing co-debtor on the account, Kathleen A. Dillman.
7. The failure of the Debtor to make tax payments to the Movant per the terms of the note and mortgage has resulted in the loss of adequate protection of the Movant's interest in the Property. This further entitles Movant to relief from the automatic stay.

WHEREFORE, the Movant requests that the automatic stay and co-debtor stay be terminated pursuant to 11 U.S.C. §§362(d) and 1301 so that the Movant may protect, exercise and enforce its rights pursuant to said note and mortgage, that any order entered pursuant to this Motion be effective immediately upon its entry, waiving the 14-day stay pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3) and for such further relief as may be just and equitable.

Dated this 8th day of January, 2021.

SOTTILE & BARILE, LLC
Attorneys for Movant

/s/ Jon Lieberman
Jon Lieberman (OH 0058394)

Sottile and Barile, Attorneys at Law
394 Wards Corner Road, Suite 180
Loveland, OH 45140
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN
MADISON DIVISION

IN RE:

CASE NO. 19-13866

Bradley D. Dillman

CHAPTER 13

Debtor.

Chief Judge Catherine J. Furay

**NOTICE OF MOTION OF WILMINGTON SAVINGS FUND SOCIETY, FSB, AS
TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-C FOR
RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY REGARDING
PROPERTY LOCATED AT 5309 PORTSMOUTH WAY, MADISON, WI 53714**

Wilmington Savings Fund Society FSB, as Trustee of the Residential Credit Opportunities Trust V-C ("Movant") has filed papers for Relief from the Automatic Stay and Co Debtor Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult with one.

If you do not want the Court to grant the relief requested, or if you want the Court to consider your views on this motion, then **within fourteen (14) says of the filing date indicated on this Notice**, you or your attorney must file with the Court a written response explaining your position and requesting a hearing at

Office of the Clerk of Court
Western District of Wisconsin
120 North Henry Stret
Madison, WI 53703-2559

If you mail your response to the court for filing, you must mail it early enough so the court will RECEIVE it **within fourteen (14) days** of the date of this notice.

You must also mail a copy to:

Jon Lieberman
Sottile and Barile, Attorneys at Law
394 Wards Corner Road, Suite 180
Loveland, OH 45140
Counsel for Movant

Mark Harring
131 W. Wilson Street, Suite 1000
Madison, WI 53703-3260
Chapter 13 Trustee

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated this 8th day of January, 2021.

SOTTILE & BARILE, LLC
Attorneys for Movant

/s/ Jon Lieberman
Jon Lieberman (OH 0058394)
Sottile and Barile, Attorneys at Law
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**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN
MADISON DIVISION**

IN RE:

CASE NO. 17-14240

Bradley D. Dillman

CHAPTER 13

Debtor.

Chief Judge Catherine J. Furay

CERTIFICATE OF SERVICE

The undersigned certifies that on 1/8/2021, a true and correct copy of the foregoing Notice of Motion and Motion for Relief from Stay and Co Debtor Stay was served upon the following:

By ECF:

John P. Driscoll
Krekeler Strother, S.C.
2901 West Beltline Highway, Suite 301
Madison, WI 53713
Counsel for the Debtor

Mark Harring
131 W. Wilson Street, Suite 1000
Madison, WI 53703-3260
Chapter 13 Trustee

U.S. Trustee's Office
780 Regent Street, Suite 304
Madison, WI 53715

By U.S. Mail:

Bradley D. Dillman
5309 Portsmouth Way
Madison, WI 53714

Kathleen A. Dillman (Wopat)
131 W. Richards Rd
Cottage Grove, WI 53527

Dated this 8th day of January, 2021.

SOTTILE & BARILE, LLC
Attorneys for Movant

/s/ Jon Lieberman
Jon Lieberman (OH 0058394)
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